

DECLARATION OF
MICHAEL LUCKERT FOR
OPPOSITION TO
SUMMARY JUDGMENT

1 Michael Luckert
2 391 ELLIS . St, San Francisco, CA 94102
3 email: michaelluckert1@gmail.com

4 Attorney in Pro-Se: Michael Luckert

5
6 UNITED STATES DISTRICT
7 COURT
8 NORTHERN DISTRICT OF CALIFORNIA

9 Michael Luckert, Plaintiff
10 VS
11 San Francisco Police Dept
12 And Officer: Gutierrez
13 , defendants

Case No: CV-19-08204-PJH
Declaration of Michael
Luckert FOR OPPOSITION
TO SUMMARY Judgment

14 I, Michael Luckert, declare as follows:

15 1. I am, and at all relevant times mentioned
16 here in, I have personal knowledge of the
17 contents of this declaration. If called upon to
18 testify, I could and would testify competently to
19 the contents of this declaration.

20 2. On February 26, 2019, I got falsely charged
21 with Resisting Arrest, OBSTRUCTING/Delaying/
22 a Peace Officer/EMT, Interfering with a public
23 agency, Disturbing the peace, poss of a weapon
24 at the Courthouse/public Building. ALL CHARGES got
25 Dropped Per Exhibit 1.

26 3. I was brought to the San Francisco
27 county Main Library Security Building Ground
28 Patrol office. I did not know exactly what

Declaration of Michael Luckert Page 1 of 2
IN SUPPORT OF THAT ML FOR
OPPOSITION TO SUMMARY JUDGMENT

1 officer at the building grounds security office at
2 the main library was responsible for applying
3 ~~pressure to my handcuffed hands until I read the~~
4 Declaration's of each officer at the scene of this
5 particular incident. Only (1) officer in the building
6 grounds security office applied pressure to my handcuffed
7 wrists. And in Officer Gutierrez Declaration he
8 is admitting to applying pressure to my wrist at
9 the building grounds security office at the main
10 library in San Francisco.

11 4. At the San Francisco County Jail only
12 two officers applied pressure to my handcuffed
13 wrist. One of the officers is Officer Brian
14 mendosa. The other one is Officer Gutierrez.
15 Since my Amended Complaint I have been saying
16 that only (2) officers injured me while at San.
17 Francisco County Jail. In Officer Gutierrez
18 Declaration he is admitting applying pressure
19 to my handcuffed wrist at San Francisco County Jail.

20 5. These officers that applied pressure to
21 my handcuffed wrists injured me.

22 I declare under penalty of perjury
23 pursuant to the laws of the United State that
24 the foregoing is true and correct.

25 Executed this 13th day of June, 2024 at
26 and in the County of Alameda.

27 Michael Luckert
28 Michael Luckert

29 Declaration of Michael Luckert Page 2 of 2
in support of ~~that~~ For Opposition
to SUMMARY Judgment ML

IN SUPPORT OF
DOCUMENTED PLEADINGS
FOR EVIDENCE AND
EXHIBITS FOR
OPPOSITION TO
SUMMARY JUDGMENT

1 Michael Luckert

2 391 ELLIS ST, San Francisco, CA 94102

3 email: michaelluckert1@gmail.com

4 Attorney In Pro-se: Michael Luckert

5
6 UNITED STATES DISTRICT COURT
7 NORTHERN DISTRICT OF CALIFORNIA

8 Michael Luckert, Plaintiff

9 .VS

10 San Francisco Police Dept.

11 AND OFFICER: GUTIERREZ

12 # 1928, Defendant's

Case NO: 19-08204-PJH

IN SUPPORT OF

DOCUMENTED

PLEADINGS FOR

EVIDENCE AND EXHIBITS

FOR OPPOSITION TO

SUMMARY JUDGMENT^{ML}
JUDGMENT

15 To the honorable Judge and Jury Herein is
16 Plaintiff's support of AND Documented evidence
17 of Briefly what happened in triage and the Medical
18 Medical Neglect AND also the excessive force
19 that happened at San Francisco County Jail.

20
21
22 (EXHIBIT-1), DISPOSITION SHEET OF ALL
23 Charges Dropped FROM Arrest ON 02-26-2019.

24 This disposition sheet to show that all the charges
25 were dropped on the 2-26-2019 arrest FOR: Resisting
26 Arrest, obstructing/Delaying Peace officer,
27 Interfering With a public agency, Disturbing the
28 Peace, Possession of a Weapon in courthouse/Public

IN support of Documented Pleadings
For Evidence ~~AND EXHIBITS FOR~~ TRIAL
AND EXHIBITS FOR OPPOSITION TO SUMMARY^{ML}
Judgment

Page 1 of 15

1 Building, AND is in support of (exhibit - 1.C), San
2 Francisco medical Report, highlighted area." Per Lt.
3 Daggs client's charges are dropped?"
4
5
6

7 COUNT 1 MEDICAL NEGLIGENCE

8 (I). (EXHIBIT-1.P), Declaration of Edward
9 Gutierrez in Support of Defendants' Motion for
10 Summary Judgment, Document 50-17, Filed 08-10-2021,
11 Page 3 Lines 10-12, "During the Medical triage
12 Component of the booking Process, Plaintiff
13 continued to be resistive and refused to. —
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(CONTINUED ON PAGE 3)

1 answer the questions of Jail Medical Services,
2 including refusing to answer whether he was
3 suicidal."

4 (1.Q) Officer Gutierrez lied. IN (EXHIBIT-1.A),
5 San Francisco Medical Report Triage screening. I
6 was answering triage questions as you can see from
7 the triage intake page 32. And I did answer is
8 Patient suicidal. IN the Highlighted Area it
9 says "NO".

10 So as the Judge and Jury can see officer
11 Gutierrez # 1928 Declaration, Document 50-17, filed
12 08/10/21, Page 3 Lines 10-12 "During the medical
13 triage component of the booking process, Plaintiff
14 continued to be resistive and refused to answer the
15 questions of Jail Medical Services, including refusing to
16 answer whether he was suicidal. These statements
17 of Officer Gutierrez # A28 is opposite to triage
18 intake (EXHIBIT-1.A) San Francisco Medical Report
19 triage.

20 The Plaintiff Declare's that because the
21 defendant Gutierrez lied he really does not
22 remember what happened. And the Defendant's
23 Declaration is in hindsight. Because originally
24 the police report stops with (EXHIBIT-1.Q),
25 San Francisco SHERIFFS Department incident report
26 Narrative INCIDENT NO: 190-143-778 IN the
27 Highlighted Area. Deputy Gutierrez and
28 Deputy B. Mendoza #2324 transported Luckert

In Support of Documented Pleadings
For evidence and EXHIBITS for Trial Page 3 of 15
AND EXHIBITS FOR OPPOSITION TO
Summary Judgment.

to County Jail #1. Where he was medically cleared and booked for the following: 148(a) PC, 602.1(b) PC, 171b(a) PC and 415 PC. The end of any narrative report on Plaintiff.

So what did happen with the medical neglect is officer Gutierrez #1928 was escorting Plaintiff to triage on 2-26-2019 at: (EXHIBIT-1A), San Francisco Medical Report triage screening, 17:37 Plaintiff was being seen in the San Francisco medical triage screening and was starting to tell the medical staff what happened with my hands and the excessive force earlier in the day and the police officer's did not like it. So they gave Plaintiff all of a few seconds to respond and when Plaintiff started talking about his hands injury officer Gutierrez #1928 pulled me away and to the safety cell. (EXHIBIT-1R), San Francisco Medical Report, Page 33, Safety cell Placement time: 17:50.

So officer Gutierrez #1928 only gave me a couple of seconds to talk to triage. Triage time 17:37. Safety cell time 17:50. AND when it came to talking about the hand injury officer Gutierrez #1928 pulled me away to the safety cell so that I could not get NO Pain killer for my hand injury. Keeping me in pain. Which is medical neglect. AND Because officer Gutierrez # did not want me to report any excessive force. I was pulled away to the safety

IN SUPPORT OF Documented Pleadings

For evidence and EXHIBITS For trial
AND EXHIBITS FOR OPPOSITION TO ML
SUMMARY JUDGMENT

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cell. Also in
 (EXHIBIT - 1.A), San Francisco Medical Report, Page
 32, Highlighted Areas. While Plaintiff was talking
 to triage and they said "Patient denies urgent care
of chronic injuries". That is not how they stated
 the question. Triage said "Does Plaintiff have any
life threatening injuries". IN which Plaintiff stated
 "NO". ALSO In this exhibit - 1.A triage is saying
 in highlighted Area that Plaintiff was being
 resistive, and combative with custody. But Plaintiff
 was not as shown in (EXHIBIT - 1.C), San
 Francisco Medical Report, highlighted area." Per
 Lt. Daggs client's charges are dropped." AND
 (EXHIBIT - 1), DISPOSITION SHEET. OFFICER GUTIERREZ
 has broken the 14th AMENDMENT BY MEDICAL Neglect,

CHARGE: EXCESSIVE FORCE BY

OFFICER GUTIERREZ #1928

(1). Officer Gutierrez #1928 lied as shown in
 above litigation page 1. Lines 23-28 - Page 3
 Line 1. Officer Gutierrez #1928 Declaration being
 in hindsight does not really remember what happened
 Officer Gutierrez #1928 IN (EXHIBIT - 1.P),
 Declaration of EDWARD GUTIERREZ IN SUPPORT OF
 Defendant's motion For Summary Judgment Document 70-8
 Filed 05/14/22, Page 3, Line 3. "Plaintiff was placed
 in a holding cell to wait for the booking process".
 Then Page 3 Line 14 "Plaintiff was then placed in a
 safety cell".

In Support of Documented Pleadings
 FOR EVIDENCE AND EXHIBITS FOR TRIAL
 AND EXHIBITS FOR OPPOSITION TO ML
 SUMMARY JUDGMENT

1 (1.a) These Two cells were actually one
 2 cell. The "Safety Cell". So when officer
 3 EDWARD GUTIERREZ #1928 (EXHIBIT. 1.P),
 4 Declaration of EDWARD GUTIERREZ IN support of Defendant's
 5 Motion For Summary Judgment, Document 70-8, Filed:
 6 05/11/22, Page 3, Line 4-6, High lighted areas.
 7 "I applied a rear wrist lock on Plaintiff with one
 8 hand while I pat searched him with my other hand."
 9 "I applied only enough pressure to be able to detect
 10 any resistance".

11 This excessive force that officer Gutierrez
 12 #1928 did to plaintiff happened in the safety cell.
 13 officer Gutierrez #1928 lied as explained in this
 14 above litigation page 1 Lines 23-28 - Page 3
 15 Line 1. And being in hindsight with Defendant,
 16 Gutierrez #1928, Declaration. Defendant really does not remember.

17 Defendant, officer Gutierrez #1928 committed
 18 Excessive force when (EXHIBIT. 1.P), page 3 lines
 19 4-6 "I applied a rear wrist lock on Plaintiff with
 20 one hand while I pat searched him with my other.
 21 while the defendant Edward Gutierrez
 22 #1928 was doing this to my right hand, wrist,
 23 fingers officer EDWARD Gutierrez #1928
 24 contributed to the Swelling of my whole
 25 right hand AND ALL Fingers on my right hand.
 26 Pushing my hand, wrist fingers passed the
 27 limits that it will bend. Injuring Plaintiff.
 28 As explained in Summary

1 Judgment; Page 6 Line 1-3/with
2 EXHIBIT-1-G, Valley Care Pleasanton medical documents,
3 Page 7, OF: (SUMMARY Judgment)
4 Lines 20-23. "Gutierrez #1928 I hold responsible
5 for excessive force also because he was right beside Brian
6 Mendoza #2324 bending my hand, wrist and fingers.
7 Causing Injury. Swelling of hands, wrists and fingers."
8 EXHIBIT-1.G, Highlighted Area of Valley Care Pleasanton
9 medical documents. AND in (Supplemental
10 to SUMMARY JUDGMENT), Highlighted Areas with (EXHIBITS
11 (1.H), (1.I), (1.J)). Plaintiff was handcuffed and on his stomach.
12 CHARGE 3: Earlier in the day officer Gutierrez in
13 the building ground security office at the main library, as
14 stated in (Exhibit-1.B), Amended Complaint, Document 20, Filed
15 08/03/20, Page 5, Lines 6-14, Highlighted Area, Pushed me
16 to the bench and floor twisting my wrists, causing
17 Plaintiff Pain and suffering. And my wrist to swell even more.
18 (1.I.I) (EXHIBIT-1.P), Declaration of EDWARD GUTIERREZ
19 IN support of DEFENDANTS' MOTION FOR SUMMARY
20 Judgment Document 70-8 Filed: 05/11/2022, Page 2
21 Lines 4 "When I arrived at the security office: Lines 13-14 "I applied
22 a rear wrist lock on Plaintiff with one hand while I pat searched
23 him with my other hand. I applied only minimal pressure."
24 So here again earlier in the day officer Gutierrez
25 #1928 is applying pressure to my wrist, injuring
26 Plaintiff. So let's just let the medical report for
27 Valley Care Pleasanton, Exhibit-1.G, 1.H AND Santa
28 Rita Jail Medical, Exhibit-1.I, AND ZUCKERBERG SAN

IN support of Documented pleadings
forevidence AND EXHIBITS FOR TRIAL
AND EXHIBITS FOR OPPOSITION TO
SUMMARY JUDGMENT ML

Francisco General Hospital, Exhibit - 1.J, decide the extent of the injuries caused by officer GUTIERREZ #1928 applying pressure to my wrists, AND Violating the 4th AND 8th AMENDMENTS BY EXCESSIVE FORCE. BY injuring Plaintiff. Swelling of hand's wrists and fingers. Both excessive forces happened while plaintiff was handcuffed and on his stomach.

OBJECTIONS

(1). Plaintiff object to any witnesses TO testify that was a defendant in this case; because of Prior Prejudice of Excessive Force charges.

(2). Plaintiff object to any witness to testify that was not present at the time of the incident.

(3). Plaintiff object to the defence using any litigation that has to do with dropped charges of Resisting Arrest, obstructing/Delaying peace officer, interfering with a public agency, Disturbing the Peace, possession of a weapon in court house/public building. Per EXHIBIT 1.

IN SUPPORT OF (EXHIBIT-1.M) CARPENTERS DETAIL HOURS

These Exhibits is to support (EXHIBIT-1.M), Carpenters Detail list with verification of employment from 2019 to previous employment of 2017:

(EXHIBIT-2) Verification of Employment

1 DRYWALL LATHERS LOCAL UNION # 9068, work
 2 Referral start date: 4/30/2019, Employer:
 3 Ironwood Commercial Builders, wage: 48.40, check
 4 stub pay date: 4/30/2019. Drywall Lathers
 5 Local Union # 9144, work Referral start date:
 6 9/6/2018, Employer: performance contracting,
 7 INC, wage: 48.40, W-2 from 2018 Earnings Summary.

8 Employer: R.F./MEISWINKEL COMPANY: PAYROLL
 9 start date: 07/09/2018, W-2 for 2018.

10 Carpenter's Local Union # 22, work
 11 Referral start date: 7/19/2018, Employer:
 12 CHILL Construction Services, wages: 48.40,
 13 check stub date: 7/23/18;

14 Employer: Tutor Perini Corporation: MONTH
 15 work date: 06/01/2018, W-2 for 2018.

16 Employer: Bjork Construction Co. INC: MONTH
 17 work date: 06/01/2018, check stub pay date:

18 6/01/2018. Regular pay rate: 46.40

19 Carpenter's Local Union # 22, work
 20 Referral start date: 5/18/2018, Employer:
 21 Bjork Construction Co. Inc., wages: 46.40,
 22 W-2 for 2018.

23 Employer: Bomei Construction Co.: work
 24 MONTH: 01/01/2018, (check activity report),
 25 pay period ending: 12/28/2017

26 Carpenter's Local Union # 22, work Referral
 27 start date: 12/1/2017, Employer: Bomei

28 Construction Co.; wages: 46.40, check activity

1 Report), pay period end Date: 12-07-2017-
2 12-21-2017.

3 Carpenters Local Union #22, WORK

4 Referral Start Date: 11/15/2017. Employer:

5 Tutor Perini Building Corp., Wages: 46.40

6 Check Date: 11/17/2017, Refer to Lines 14-16 W-2 2017.

7 CARPENTERS LOCAL UNION #22, WORK Referral

8 Start Date: 11/1/2017 Employer: I.S.E.C INC.,

9 Wages: 46.40, Check stub Date: 11/06/17.

10 EMPLOYER: DOME CONSTRUCTION: MONTH

11 Work Date: 10-01-2017 — 11-01-2017, check

12 stub Pay Date: 10/5/2017 — 11/9/2017,

13 Pay Rate: 46.40.

14 Carpenters Local Union #22, Work Referral

15 Start Date: 9/11/2017, Employer: Tutor Perini

16 Building Corp., Wages: 46.40, W-2 2017.

17 EMPLOYER: DOME CONSTRUCTION: MONTH

18 Work Date: 09/01/2017, Check stub Pay date: 9/28/

19 2017, Pay Rate: 46.40.

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EXHIBIT,
(2.d) MORE EMPLOYMENT HISTORY
(EXHIBIT

EMPLOYER: I.S.E.C. INC., Check Date: 07/28/17,

: Period End: 07/23/17 — Check Date: 08/30/17,

: Period End: 08/27/17, RATE: 46.40.

EMPLOYER: DOME CONSTRUCTION CHECK STUB

PAY Period 5/29/2017 — 7/16/2017, RATE: 44.40-

IN SUPPORT OF DOCUMENTED PLEADINGS
FOR EVIDENCE AND EXHIBITS FOR TRIAL
AND EXHIBITS FOR OPPOSITION TO
SUMMARY JUDGMENT. ML

1 46.40.

2

3 MEDICAL REASON FOR OUT OF POCKET
4 EXPENSES.

5 (1). (EXHIBIT-2) Verification of employment
6 is to show the Judge and Jury that I am a
7 established Journeyman Carpenter and that because
8 of this injury from Excessive force by Officer
9 Gutierrez the Plaintiff was not able to work as a
10 union Carpenter from 2-26-2019 till 4-26-2019.

11

12 OFFICER Gutierrez false charges of resisting etc.
13 Reason for Out of Pocket Expenses.

14 Because of officer Gutierrez charging the
15 Plaintiff with resisting arrest and other charges.

16 Starting the ball rolling to try and get Plaintiff
17 violated with the Probation office. For charges
18 that were dropped. (EXHIBIT-2). The Disposition

19 sheet of All charges Dropped. Plaintiff spent

20 (EXHIBIT-1-L), custody Activity cen. 9389699 P.F.N:

21 ULW-491, 25 days in custody at Santa Rita Jail

22 until the Probation office was notified that

23 the charges were dropped. Going to Jail cost

24 Plaintiff getting kicked off of the ready to go to

25 work list. Making Plaintiff start all over at the

26 Union Hall Ready to go to work list. Delaying

27 the process for Plaintiff to work again with

28 Carpenters union for at least 2 months. So Plaintiff

In support of Documented Pleadings
For evidence AND EXHIBITS FOR TRIAL Page 11 of 15
AND EXHIBITS FOR OPPOSITION M
TO SUMMARY JUDGMENT

1 missed out on about 2 month of work. So
2 Plaintiff holds Officer Gutierrez responsible for
3 half of the out of pocket expenses as a Journeyman
4 Carpenter in 2019 Plaintiff made \$ 48.40 hour
5 with the Union going back 2 years of employment.
6 So in a 40 hour work week Plaintiff would make:
7 1,936.00. Plaintiff was out of work for 2 months
8 So there is 4 weeks in a month. So for 1 week
9 1,936.00 X 8 week's for 2 month's of missed
10 work = 15,488.00. Half of 15,488.00 = 7,744.00.
11

12 (3). The Court can call the Phone Numbers
13 on the Dues Card, (EXHIBIT-1.K), Pages 1-3
14 to verify these documents and info.
15
16

17 CLOSING STATEMENT

18 Because of this excessive force Plaintiff
19 was in pain and suffered for about 3 months.
20 from (R.D.M), Rupture of membranes in the hands.
21 Causing them to swell to twice there size.
22 Causing Plaintiff injury and missing work for
23 2 months.
24

25 The Problem with Officer EDWARD
26 Gutierrez # 1928 statements is that there is no
27 Narrative original Police report on the incident's
28 with Officer EDWARD Gutierrez. So his Declaration
29 is in hindsight of a couple of years. So that he can

1 look at Plaintiff's complaint and write all around the
2 excessive force. And lie. But EDWARD Gutierrez did
3 have his hands on plaintiff's wrists, fingers, hands
4 and does not remember what happened exactly.
5 Because of this couple of year gap between
6 incident and Declaration. And it is just the Officer's
7 way of avoiding excessive force. So since EDWARD
8 Gutierrez applied pressure to my wrists, fingers,
9 hands let's let the hospital records tell the extent
10 of the excessive force/handcuff injuries. Violating
11 the 4th, 8th and also the 14th Amendment
12 For Medical Neglect. Swelling Plaintiff's hands,
13 wrists and fingers.
14

15 BELIEF

16 (1). 2 COUNTS OF EXCESSIVE FORCE.
17

18 (2). 1 count of Medical Neglect.
19

20 (3). \$60,000 in damage for 2 counts
21 of EXCESSIVE force. Causing injury to Plaintiff.
22 AND for Pain and suffering.

23 (4). \$10,000 for Medical Neglect From San
24 Francisco Jail Medical Triage and pulling me away
25 and not letting me get medical treatment for my
26 hands, wrists, fingers injury.
27

28 (5). \$7,744.00 For out of pocket expenses

IN SUPPORT OF Documented Pleadings
For Evidence AND EXHIBITS FOR TRIAL
AND EXHIBITS FOR OPPOSITION TO ML
SUMMARY JUDGMENT

13 of 15

1 In monetary damages, for Plaintiff being injured
2 from excessive force and not being able to work.

3
4 OR Because The plaintiff got arrested for false
5 charges of resisting arrest etc And was sent to Jail
6 for a probation violation that got dropped. Because of
7 these false charges Plaintiff had to start all over
8 at the bottom of the ready to go to work list.
9 causing me to be out of work for 2 more extra
10 months in my normal trade as a Union Journeyman
11 Carpenter.

12
13 (6). Pay for plaintiff's filing fee.

14 (7). Restraining order on the guilty defendant
15 that caused excessive force/medical Neglect.

16
17 (8). Removed from the duties to protect and
18 serve the community as a police officer/
19 security guard etc. Because of excessive force/
20 Medical Neglect.

21 The plaintiff is suing in official capacity
22 and individual capacity.

23
24 OR
25 A Default Judgment which is set out
26 in a different Motion for not Preserving
27 Electronically Stored Information. F.R.C.P.
28 Rule 37(e).

IN SUPPORT OF Documented Pleadings 14 of 15
FOR EVIDENCE AND EXHIBITS FOR TRIAL
AND EXHIBITS FOR SUMMARY JUDGMENT ML OPPOSITION TO

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4 Date: ~~6-06-2024~~ ml 12-13-2024

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7 Signature of Attorney in pro-se: Michael Lubert

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IN SUPPORT OF DOCUMENTED Pleadings FOR page 15 of 15
EVIDENCE ~~AND EXHIBITS FOR TRIAL~~ ml
AND EXHIBITS FOR OPPOSITION TO
SUMMARY JUDGMENT

DECLARATION OF MICHAEL LUCKERT IN SUPPORT OF OPPOSITION TO SUMMARY JUDGMENT

CASE NO. 19-CV-08204-PJH

THE PAGES IN THIS DECLARATION ARE
HIGHLIGHTED WITH A * HIGHLIGHTED
WHOLE PAGE AT THE BOTTOM OF EACH
PAGE.

PLEASE READ

1 Michael Luckert
 2 391 ELLIS ST, San Francisco, CA 94102
 3 email: michaelluckert1@gmail.com
 4 707-803-3836
 5 Attorney in Pro-se: Michael Luckert

6 UNITED STATES DISTRICT COURT
 7 NORTHERN DISTRICT OF CALIFORNIA

8 Michael Luckert
 9 Plaintiff,
 10 vs.

Case No. 19-CV-08204-PJH

11 San Francisco Police Officers:
 12 D. SMITH # 2275; GUTIERREZ #
 13 1928; BRULE # 2005; ESPIRITU #
 14 1952; MENDOZA # 2324; ANTHONY
 15 P. OCHOA, Security Guard.
 16 Defendants.

DECLARATION OF MICHAEL
 LUCKERT IN SUPPORT OF
 OPPOSITION TO SUMMARY
 JUDGMENT

17
 18 I, Michael Luckert, declare as follows:

19 (1). I am a Journeyman Carpenter with local 22 in San Francisco,
 20 CA. But at this time I am a incarcerated inmate at Santa
 21 Rita County Jail. I am a Plaintiff in this 1983 civil suit
 22 and am representing myself in Pro-se status. In my Amended
 23 complaint I am making statements that are fact. In
 24 ~~OPPOSITION~~^{ML} TO SUMMARY Judgment I am making statements that
 25 are Fact. Through out this ~~OPPOSITION~~^{ML} OF SUMMARY Judgment
 26 there are documents that I recieved through Discovery.
 27 The statements that I make with these documents are Fact.
 28 Facts that would be admissible in evidence.

DECLARATION OF MICHAEL LUCKERT / Page 1 of 2
 IN SUPPORT OF ~~OPPOSITION TO SUMMARY~~^{ML}
~~JUDGMENT~~^{ML} ~~OPPOSITION TO SUMMARY JUDGMENT~~

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1 These facts are of my personal knowledge, and I could
2 and would testify competently thereto if called up on
3 to do so.

4
5 I declare under penalty of perjury under the laws
6 of the UNITED STATES That the foregoing is true and
7 correct.

8 EXECUTED ON JUNE 4th, 2022 at Dublin, CA.

9
10 signature of Attorney in pro-se: Michael Luckert
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DECLARATION OF MICHAEL LUCKERT Page 2 of 2
IN SUPPORT OF OPPOSITION TO ML OPPOSITION to Summary
"SUMMARY" JUDGMENT

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OPPOSITION TO SUMMARY JUDGMENT

CASE NO. 19-CV-08204-PJH

Some Pages Say * Highlighted Whole
Page at the bottom of The Page.

Please Read them and the highlighted
Areas of Summary Judgment.

1 Michael Luckert

2 391 ELLIS . ST, San Francisco, CA 94102

3 email: ~~Michael Luckert~~^{ML} michaelluckert1@gmail.com

4 Attorney in pro-se: Michael Luckert

5
6 UNITED STATES DISTRICT COURT
7 NORTHERN DISTRICT OF CALIFORNIA

8 Michael Luckert

9 Plaintiff,

10 vs.

11 San Francisco Police

12 OFFICERS: D. SMITH #2275;

13 GUTIERREZ #1928; ESPIRITU

14 #1952; MENDOZA #2324;

15 ANTHONY P. OCHOA, Security

16 GUARD; BRULE #2005,

17 Defendants.

Case NO. 19-cv-08204-PJH

OPPOSITION TO
SUMMARY JUDGMENT

18 I. INTRODUCTION AND STATEMENT OF FACTS

19 To the honorable Judge of the Court. What we have
20 is a citizen trying to visit the library and got
21 Assaulted by the cops, And then again at County Jail
22 I, Michael Luckert got Assaulted Physically and Sexually.
23 And also some emotionally; because their mentality was
24 that I assaulted a librarian employee, The Fact is all
25 charges were dropped that they had on me. As shown in
26 a EXHIBIT in my AMENDED COMPLAINT. so to rely on some charges
27 "For ~~Fat~~^{ML} Factual; and Admissible evidence", that were dropped
28 would not be Justice. So I Plead with the Court to rely on

Page 1 of ~~13~~¹²

OPPOSITION TO SUMMARY JUDGMENT

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* Whole Page Highlighted

1 Facts. And the Federal Rules of Civil Procedure.

2 II. ARGUMENTS AND POINTS OF AUTHORITY

3 (A). Plaintiff should be entitled to a Judgment in his
4 Favor for excessive ^{ML} Force AND Sexual Assault on
5 inmate, which fit under Cruel and unusual punishment
6 inflicted, which is the 8th Amendment. I will be proving
7 this in the documented admissible evidence. And which
8 would be proven in Video Surveillance, which the defence so
9 readily destroyed. Judgment in my Favor should be ruled.
10 Hence F.R.C.P. Rule 37(e), Failure to preserve electronically
11 stored Information. A 1983 Civil suit you have 2 years to
12 file. Therefore the Video Surveillance should be Preserved
13 for 2 years and more once the defence knows about the
14 electronically stored information that could be used as
15 evidence in a excessive force case.

16 (B). Also I did not refuse any medical services. I was
17 not given the choice to see a medical professional for my
18 injuries. And they did not identify themselves as a medical
19 professional that could help with my injuries for 3 days.
20 They asked me if my injuries ^{ML} were life threatening.
21 In which they made that decision for me. They also said I could
22 not have any medication for my injuries until I get done
23 with the PSYCH. When the officers took me from the
24 library to San Francisco County Jail they deprived me of seeing
25 a medical professional for my injuries, keeping me in pain and
26 making me suffer from my injuries. Like I explained in my
27 AMENDED COMPLAINT. This is a Violation of the 8th Amend-
28 ment and 14th Amendment. The 8th Amendment: cruel and unusual

* Highlighted whole page

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OPPOSITION TO
IN OPPOSITION TO SUMMARY JUDGMENT

1 Punishment inflicted. The 14th Amendment: No State shall
2 Make or enforce any law which abridge the privileges or
3 immunities of citizens of the UNITED STATES; nor shall
4 any State deprive any person of life, liberty or property,
5 without the due process of law.

6 So is what I am trying to say here is I have a
7 right and liberty to see a doctor for my injuries. They
8 denied me that right - keeping me in pain and making me
9 suffer. Video Surveillance AND EXHIBIT-1.D will give the
10 court some idea of what ^{ML} the time and date that
11 I actually did get out of San Francisco County Jail.
12 Violating my due process of law to get medical attention
13 for my injuries. Violating the 14th Amendment. The
14 defendants also violated the F.R.C.P. Rule 37(c), Failure
15 to Preserve Electronically Stored Information which is video
16 surveillance. on 2-28-2019 they put me in a release cell.
17 I got the nurses attention and the nurse gave me something
18 for my injuries. Then they released me. All this would be proven
19 through video surveillance. which they destroyed. ^{ML} AND 15

20 (C). The San Francisco Medical report starts from Page
21 0000032. AS Shown in EXHIBIT-1.A,

22 Dont Medical Reports usually start from Page 000001. This
23 makes me think the defendant's and there attorney are
24 hiding some medical facts. I, Michael Luckert, would like the
25 full medical report from San Francisco Medical ^{ML} Records JAIL
26 Medical Records.

27 (D). The Defendant's use of force was not reasonable;
28 because I was not resisting arrest and all charges were dropped.

(I). And the fact that they injured me and I had to go to the hospital. As shown in EXHIBIT 16, (Valley Care Pleasanton)

(E). The Santa Rita Jail Medical Report would show the longevity of my injuries and the fact that I had to do Physical Therapy for a time to help cure my injuries. With injuries and pain and suffering lasting at least 18 months. And to this day I still get cramps in my left arm.

(I). These Santa Rita Medical Records were at one time sent to me through discovery at a address on the street. But then I moved and did not get a chance to use them yet for ADMISSIBLE EVIDENCE; because I lost them in the move.

IF through discovery Santa Rita Medical Records sent me Medical Records they would also have to show the court that they complied with discovery by sending the courts a copy also. So I am asking in the interest of justice for the court send me my medical Records from Santa Rita Jail Medical Records. Since I am incarcerated in Mate and can not obtain them myself. OR ORDER SANTA Rita Medical Records to resend them to me at my present address here at Santa Rita Jail.

(F). Under the 4th Amendment these officers willful wanton behavior was Malicious and Sadistic and they did not use reasonable force. I did not assault anyone, or resist arrest, or brandish a legal pocket knife, or assault officers. All charges were dropped. And I think the only reason they were dropped is because of Video Surveillance/body camera's. And because there was no physical injury or verbal assault to the librarian. This was

page 4 of 12

~~IN OPPOSITION~~ ^{ML} ~~TO~~ TO SUMMARY JUDGMENT
~~opposition~~ ^{ML} ~~TO~~

1 A Private Person instigating arrest for false imprisonment. These
2 Policeman lied in there Police report and in hindsight A attempt to
3 cover there tracks of Excessive Force and sexual Assault Violating
4 the 4th, 8th and 14th amendments. This arrest was unlawful.

5 (1) Under the 4th Amendment these officer's: D. SMITH #2225;
6 security ground Patrol: Anthony P. Ochoa; Espiritu #1952; Brule
7 #2005 committed excessive force by using force that was
8 unreasonable. Because I was still cuffed and not resisting
9 arrest. And they caused me injury as shown in Valley Care Medical
10 report Exhibit 1.6 swelling of hands, wrists and fingers.
11 (2) Gutierrez #1928 and Mendoza #2324 as talked about
12 in my Amended Complaint and in this Opposition to Summary
13 judgment used illegal search and seizure. I was not resisting arrest.
14 I was still in cuffs and in a cell and had already been searched
15 twice. This is when ~~Gutierrez #1928~~ ^{MENDOZA #2324} sexually Assaulted me. He
16 ripped off my Pants and used his hand/with soiled clothes and touched.
17 my butthole. Making a little Penetration. So this went from illegal
18 search and seizure to excessive force to sexual Assault. Excessive
19 by bending my fingers back until they popped. Causing punctate
20 hyperdensity in the distal left thumb. ~~Gutierrez #1928~~ ^{MENDOZA #2324} I hold

21 responsible for excessive force also; because he was right
22 beside ~~Gutierrez #1928~~ ^{Brian Mendoza #2324} bending my hand, wrist and fingers ~~both~~ ^{ML}
23 causing injury. Swelling of hands, wrists and fingers. Both
24 injuries as seen in the Valley Care Medical Report Exhibit 1.6.

25 OBJECTIONS

26 I object to the defendant's and there Attorney using any
27 documents, declarations or statements referring to charges
28 that have already been dropped as Admissible Evidence.

ADMISSIBLE EVIDENCE OF STATEMENTS OF
FACTS AND DOCUMENTS OF ADMISSIBLE
EVIDENCE

(A) ADMISSIBLE EVIDENCE IN CHRONOLOGICAL ORDER

(1) Amended Complaint, which is with Documents Filed.

(2) In EXHIBIT-1A San Francisco Jail Medical Report, in the highlighted area we will find first off that this Medical Report starts at Page 000032. Dont Medical report's usually start at page 000001. This makes me think that the defence and there attorney are trying to hide some Medical facts. I would like the Full Medical Report.

(3) In EXHIBIT-1B page 1, (San Francisco Jail Medical Report), in highlighted area, "looking at his hands and talking to them after interview. Reported voices tell him he "needs to communicate with writer and that all people needs to communicate".

This exhibit should reveal to any Jury and to the Judge that I am having problems with my hands. And the injuries ~~at~~ ^{ML} AT VALLEY MEDICAL CARE PLEASANTON EXHIBIT-1G, are connected.

(4) In EXHIBIT-1B, Page 2, San Francisco Medical Report in highlighted area, "Appeared to talk to SELF AND hand."

This EXHIBIT should reveal to any jury and to the judge that I am having problems with my hands, and the injuries ~~injuries~~ ^{ML} that I had with my hand, finger, wrist at Valley Care Pleasanton EXHIBIT-1G are connected.

(5) In EXHIBIT-1C, San Francisco Medical Report in highlighted area, "per LT. Daggs client's charges are dropped".

This exhibit should reveal to any jury and to the Judge that

1 all charges were dropped.

2 (6) EXHIBIT-1.D, San Francisco medical Report in highlighted
3 area, "02/27/19 19:10" "Discharge".

4 This exhibit shows that I was still in the Psychiatrist care
5 and was being discharged on 02/27/19 at 19:10 hours. And was
6 still in the safety cell and not released yet until 02.28-19.

7 Violating the 14th Amendment. Keeping me in Pain and making me
8 suffer for 3 days with out any medical help for my injuries. As
9 discussed IN ~~OPPOSITION~~^{ML} TO SUMMARY ~~Judgment~~^{ML} Judgment page 2,
10 line 28 - through - page 3, line 19.

11
12 (7) EXHIBIT-1.E, Declaration of Brian Mendoza, Page 5 of 5.
13 This exhibit states in the highlighted area "The I/M
14 (INMATE), complained about his hand hurting.

15 This should reveal to any jury and to the Judge that
16 I am having problems with my hands. And that my injuries
17 at Valley Care Medical Exhibit-1.G are connected. Being
18 the extent of the injuries are similar to the excessive
19 force in my Amended Complaint. And in This Exhibit-1.E of me
20 complaining about my hand hurting.

21
22 (8). (A) As explained in my Amended Complaint the names at
23 anytime in this excessive force case my change or switch
24 place's. But the facts of what happened does not change.
25 ~~ML~~ (A) So upon further investigation And in my Amended Complaint ~~ML~~
26 Deputy Mendoza # 2324 and Gutierrez # 1928 are to change ~~ML~~
27 places. So now in my Amended Complaint it should read in place ~~ML~~
28 of Mendoza # 2324 it should read Gutierrez # 1928 And in ~~ML~~

~~IN OPPOSITION TO~~^{ML} TO SUMMARY JUDGMENT Page 7 of 13 12
~~opposition to~~^{ML} ~~ML~~

Place ~~Mendoza #2324~~ it would read Gutierrez #1928
 Do to EXHIBIT-1.F in the highlighted area, ~~Gutierrez #1928~~
 is the one that stripped my soiled clothing off of me
 and touched my butt hole with his hand so hard it
 almost felt like rape. This is Sexual Assault. As
 explained in my Amended complaint officer ~~Gutierrez #1928~~
 is also the one that bent my finger's back until they
 popped. Ripping my finger's out of joint causing me extreme
 pain; and more pain and suffering. making me have to do
 Physical Therapy for my finger's. A injury lasting 18
 months. And still today get cramps in my left arm.

(b.) All of this excessive force and sexual assault would
 be on Video ~~Surveillance~~ Surveillance (body camera's); but they so
 readily destroyed. Judgment in my favor should be ruled, Hence
 F.R.C.P. Rule 37(e), Failure to Preserve Electronically stored
 information. And because of my injuries at Valley Care
 Pleasanton EXHIBIT-1.G.

(9). EXHIBIT-1.G, Valley Care Pleasanton

(a.) (Page 6) In highlighted AREA "3/1/2019 1:00 pm"

This is the date and time I was seen for X-rays.
 In all reality I did not get out of the San Francisco
 County Jail until 2-28-2019. Video surveillance would
 prove that. So between the date and time I was released
 it was only about 24 hour or less until I seen a
 doctor. "XR Hand 3 views Right": "49 Years of age male,
 Pain and swelling following trauma" "3 views of bilateral
 hands" "There is regional soft tissue swelling. There is a

1 Punctate hyperdensity in the distal left thumb. May
2 represent external artifact versus foreign body?

3 These highlighted areas show that I was in pain and
4 that my hands were swollen. And that my finger was
5 hyper extended, pulled out of joint. And that some other
6 person could of caused this injury. These injuries
7 are consistent with the San Francisco Police defendants
8 and there use of force and my hand injury. As reported
9 in the declarations of every defendant.

10 (b) (Page 8): In highlighted area, "XR Hand 3 Views left"
11 Radio Graphic Examination of the Bilateral hands. This
12 diagnostic outcome is the same as (a.) page 6.

13 (c) (Page 10): In highlighted area, "Contusion of hand,
14 unspecified laterality." This means that my hands were bruised.

15 ^{DM}
16 (d) (Page 11): In highlighted area, "Hand Swelling, Patient
17 reports injury to bilateral hands by PD, both hand are swollen
18 and Patient reporting pain diffusely + CSM, + Pulses"

19 This Medical Page shows that my hands were Swollen.
20 Meaning both hands. And that I was in a lot of Pain
21 and that my hands were throbbing all over.

22 (e) (Page 13): In highlighted area, "Both hands are
23 swollen and the dorsal aspect has some excoriations
24 on the fingers." This medical document says my hands
25 are swollen and my fingers are severely swollen and
26 damaged.

27 (f) (Page 14): In highlighted area, "XR Hand 3 Views left
28 final result = " Punctate hyperdensity in the distal left

~~IN OPPOSITION TO SUMMARY JUDGMENT~~ Page 9 of 13
opposition to ^{ML} 12

1 thumb may represent external artifact versus foreign
2 body. "XR Hand 3 Views right Final Results. (same results
3 as XR Hand 3 Views Left). (a) Page 6.

4 (g.) Page 15: In highlighted area, "Contusion of hand,
5 unspecified laterality. Follow up: Your doctor"

6 This medical document is saying that my hands were
7 bruised and to follow up with my doctor.

8 (h.) Page 16: In highlighted area, "both hands are swollen
9 and Pt reporting Pain diffusely + CSM, + Pulses."

10 This Medical Report shows that both hands are swollen
11 and I am in a lot of pain.

12 (i) Page 18: In highlighted area, "you feel down depressed,
13 or hopeless?" yes

14 After this excessive force from the defendant's I was
15 depressed and felt hopeless; Because I just got assaulted by
16 the Police and did not think I could do anything about their
17 their actions. Hopefully that is not true.

18 (j.) Page 20: In highlighted area, "Home Medication
19 given (Ibuprofen (Motrin) tablet 600 mg).

20 This medical document was a relief. Because finally
21 they gave me something for the pain. Motrin 600. Not like
22 San Francisco Jail Staff/Police making me suffer and keeping
23 me in pain for almost 3 days. Violating the 14th Amendment.

24 (k.) Page 21: In highlighted area, "The homeless Patient
25 has been referred to a source of follow-up care, IF
26 medically nes^{ml} necessary: yes"

27 This medical documentation was necessary. I went
28 to Santa Rita Jail and needed something for pain and I

IN OPPOSITION TO SUMMARY JUDGMENT
Opposition TO ML

also needed Physical Therapy to recover from my injuries.

(L) Page 21 and Page 22, In highlighted area, "XR Hand 3 Views Left Final results, Radiographic Examination of THE BILATERAL HANDS 3/1/2019 12:55, Clinical History: 49 Year of age, male, pain and swelling following trauma. 3 views of the bilateral hands. FINDINGS: There is regional soft tissue swelling. There is a punctate hyperdensity in the distal left thumb. Punctate hyperdensity in the distal left thumb may represent external artifact versus foreign body."

(M) page 22 and 23, In highlighted area, "XR Hand 3 Views Right" Final Results, Radio Graphic Examination of the BILATERAL HANDS 3/1/2019 12:55. Same results and findings as (XR Hand 3 Views Left. Pages 21, 22)

These medical documents, Final results, shows that my hands are swollen and that my thumb was situated away from the point of attachment to the hand. Another words hyperextended. And that some other person could of done this. Like San Francisco Police officers.

CLOSING STATEMENTS OF ADMISSIBLE EVIDENCE

(1). These's officer's/ Defendant's have been working under the color of State/ government officials and yet they choose to break the law. Negating their immunity. They used excessive force with maliciousness and also were being sadistic. After all it could not of been that I was resisting Arrest; because those charges were dropped. As well as the Assault charges on the librarian. And I am sure that the only thing that saved me from these charges is the

IN OPPOSITION TO SUMMARY JUDGMENT Page 11 OF 12
ML opposition

* Whole Page Highlighted

1 Video Surveillance. So what did motivate them to act
 2 in a malicious and sadistic manner. The charges
 3 themselves of assault on a librarian. So it was on the
 4 defendant's minds that I assaulted a librarian. So they
 5 decided to Punish me. Treat me different then a regular
 6 citizen. Using wanton behavior. This behavior became
 7 sadistic when they started to Pass the word onto every
 8 officer and then every officer in this case Prejudged me.
 9 By not listening to anything I had to say. It is to bad
 10 that they could not use their own Judgment and treat me
 11 like a normal Patron. Instead they Prejudged me and beat
 12 the crap out of me, (Over and over). Violating the 8th, 14th
 13 Amendment. Video Surveillance would Prove this excessive
 14 Force and Sexual Assault. And I am sure that you are
 15 already aware of the defendant's and there lawyer
 16 destroying the body camera Footage as well as the Video
 17 Surveillance. Violating the F.R.C.P Rule 37 (e), failure to
 18 preserve electronically stored information. As explained in my
 19 ^{ML} ~~opposition to~~ ^{ML} ~~opposition to~~ Summary Judgment Page 2 line's 7-15. And also
 20 violated the 14th Amendment by denying me medical care for my
 21 injuries for 3 days. Violating my due Process rights. As
 22 explained on Page 2 line 16 - through - Page 3 line 19 of my ^{ML} ~~opposition~~
 23 ^{ML} ~~opposition to~~ ^{ML} ~~opposition to~~ Summary Judgment.

24 (2). There will be a supplemental within 14 days of the ^{ML}
 25 Mailing date of this ^{ML} ~~opposition~~ ^{ML} ~~opposition to~~ Summary ^{ML}
 26 Judgment for the longevity of the injury and wage's lost. By ^{ML}
 27 way of Santa Rita Medical document's. OR through order of ^{ML}
 28 the court. ^{ML} / Date: 12/16/24 / Pro-se Attorney: Michael Lockert ^{ML}

IN OPPOSITION TO SUMMARY JUDGMENT Page 12 OF 13 ^{ML}
^{ML} ~~opposition to~~ ^{ML} ~~opposition to~~

* Whole Page Highlighted

1
2
3
4
5
6 RELIEF
7 FOR OPPOSITION TO SUMMARY JUDGMENT
8
9
10
11

12 (1). 2 Counts of Excessive Force.

13 (2). 1 Count of Medical Neglect.

14 (3). \$ 60,000 in damages for 2 counts of
15 excessive force. Causing injury to Plaintiff
16 and for Pain and Suffering.

17 (4). \$ 10,000 for Medical Neglect from San
18 Francisco Jail Medical Triage and pulling
19 me away not letting me get medical treatment
20 for my hand's, wrist's injury.

21 (5). \$ 7,744.00 for out of Pocket expenses
22 in Monetary damages. for Plaintiff being injured
23 from excessive force and not being able to
24 work. OR Because the plaintiff got arrested
25 for false charge's of resisting arrest etc. And
26 was sent to Jail for a Probation Violation that
27 got dropped. Because of these false charges
28 Plaintiff had to start all over at the bottom

OPPOSITION TO SUMMARY JUDGMENT

1 of the ready to go to work list. Causing Plaintiff
2 to be out of work for 2 more extra months in
3 his normal trade as a Union Journeyman Carpenter.

4 (6). Pay for Plaintiff's Filing fee.

5 (7). Restraining order on the guilty defendant
6 that caused excessive force/medical neglect.

7 (8). Removed from the duties to protect and
8 serve the Community as a police officer/
9 security guard etc. Because of excessive
10 force/medical neglect.

11
12 The plaintiff is suing in official capacity
13 and Individual Capacity.

14
15 Date: ^{ML} ~~6-6-2024~~ 12-16-2024

16
17
18 Signature of Attorney in Pro-se:
19 Michael Luckert

RELIEF

FOR OPPOSITION TO SUMMARY JUDGMENT

(1). 2 Counts of Excessive Force.

(2). 1 Count of Medical Neglect.

(3). \$ 60,000 in damages for 2 counts of excessive force. Causing injury to Plaintiff and for Pain and Suffering.

(4). \$ 10,000 for Medical Neglect from San Francisco Jail Medical Triage and pulling me away not letting me get medical treatment for my hand's, wrist's injury.

(5). \$ 7,744.00 for out of pocket expenses in monetary damages. For Plaintiff being injured from excessive force and not being able to work. OR Because the plaintiff got arrested for false charge's of resisting arrest etc. And was sent to Jail for a Probation Violation that got dropped. Because of these false charges Plaintiff had to start all over at the bottom

OPPOSITION TO SUMMARY JUDGMENT

Page 1 of 2

1 of the ready to go to work list. Causing plaintiff
2 to be out of work for 2 more extra months in

3 his normal trade as a Union Journeyman Carpenter.

4 (6). Pay for Plaintiff's Filing Fee.

5 (7). Restraining order on the guilty defendant
6 that caused excessive force/medical Neglect.

7 (8). Removed from the duties to protect and
8 serve the Community as a police officer/
9 security guard etc. Because of excessive
10 force/medical Neglect.

11
12 The plaintiff is suing in official capacity
13 and Individual Capacity.

14
15 Date: ^{ML} ~~6-6-2024~~ 12-16-2024

16
17 Signature of Attorney in Pro-se:
18 Michael Luckert
19

SUPPLEMENTAL TO SUMMARY JUDGMENT

Pages: (1, 4, 5, 6, 7, 8, 15, 16) AND OUT
OF POCKET EXPENSES FOR GETTING
KICKED OFF OF THE READY TO
GO TO WORK LIST. Pages: 17, 18, 19.

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 3 email: michael.luckert1@gmail.com
 4 707-803-3836
 5 Attorney in pro-se: Michael Luckert

6
 7 UNITED STATES DISTRICT COURT
 8 NORTHERN DISTRICT OF CALIFORNIA

9 Michael Luckert

10 Plaintiff,

11 vs.

12 O. SMITH #2275; GUTIERREZ
 13 #1928; Brule #2005; Espiritu
 14 #1952; Mendoza #2324;
 15 Anthony P. Ochoa, Security
 16 Patrol Officer.

17 Defendants.

Case No: 19-CV-08204-
 PJH

Supplemental to
 opposition for
 SUMMARY Judgment

18 (A). UPON Recommendation of The health
 19 care providers at VALLEY CARE PLEASANTON,
 20 IN EXHIBIT (H), page 21 in the highlighted
 21 area, it says "The homeless patient has been
 22 referred to a source of follow up care, if
 23 medically necessary."

24
 25 (1). This follow up was medically necessary
 26 for the following medical documents have to
 27 do with the same injury but more
 28 conclusive.

Supplemental to the opposition to summary
 judgment
 or opposition for summary judgment

Page 1 of 21

(9). EXHIBIT (I), in highlighted areas (page 9), it shows that on 6-13-20 I was still hurts. I was injured about 16 month ago. so I am still in Pain From this injury Documented by Valley Care Pleasanton Medical on 3-1-19.

(C.) SANTA RITA JAIL MEDICAL INTAKE/RECEIVING SCREENING DOCUMENTS

(1). EXHIBIT-I, page 15 in highlighted areas: "LUCKERT, MICHAEL LANDON", Bilateral hand's tender and swollen" On this day of: "03-01-2019 at 7:15 pm", "PAIN? YES", "Pain scale/10: 3".

(a). These quoted highlighted areas in EXHIBIT-I, page 15 says that my hands were tender and swollen and that I was in Pain on the day of 3-01-2019; because of this injury done by the San Francisco Police officers.

(2). EXHIBIT (J), Page 26 in highlighted areas: "LUCKERT, MICHAEL LANDON", "PAST/PRESENT MEDICAL PROBLEMS", "CHRONIC hand" on this day of "09-23-2019 at 1:42 pm".

(a). These quoted highlighted area's in EXHIBIT (J), page 26 says that I am still having problems with my L hand. And obviously in Pain because of this injury or I would not be seeing a doctor/nurse. Medical # 170485.

(3). EXHIBIT (J), Page 29 in highlighted area's: "PAIN? Yes" On this day of: "09-23-2019 at "1:42 pm", "Pain Scale /10: 3/10".

(a). These quoted highlighted area's in EXHIBIT (J), page 29 shows that I still am in constant pain on 9-23-2019 from my left hand injury. Medical # 170485

(4) EXHIBIT-I, page 128 in highlighted area's: "Bilateral hands tender and swollen?" "Pain? Yes" "Pain scale /10: 3" ON This day of 03-01-2019 at 7:15 PM,

(a). These quoted highlighted area in EXHIBIT-I, page 128 shows that on 3-1-2019 I was diagnosed with my hands being swollen and tender. And that I was in pain on my hands from this injury.

INITIAL HEALTH HISTORY AND PHYSICAL EXAM

(1). EXHIBIT-1.I, Page 132 in highlighted area's: "Hospitalizations/operations? Yes, Describe: When? Where? (rt and lt hand pain went to Valley memorial hospital X rays taken neg). ON This day of: 03-13-2019 at 2:10 pm".

(a). These quoted highlighted areas in Exhibit-1.I page 132 shows that I had X-rays done at Valley memorial hospital and they were negative for any broken bones ON This day of: 3-13-2019, and ML but as quoted above I was in a lot of Pain.

(2). EXHIBIT-1.I Page 134 in highlighted areas: "MOOD: Depressed ON This day of: 03-13-2019 at 2:10 pm."

(a). These quoted highlighted areas in Exhibit-1.I Page 134 shows that I was depressed because of this injury and that the Cops beat me up and I did not think that Justice would prevail for there Excessive force, ON This day of: 03-13-2019

MEDICAL SICK CALLS

(1). EXHIBIT-1.I, Page 326 in highlighted areas: "CALL DATE: 3-01-2019 at"

1 7:14 pm ASSESSMENT: 03-01-2019 at
2 7:14 pm - Patient cleared at Valley Care
3 for Soft tissue injury/Sprain on bilateral
4 hands. PLAN: 03-01-2019 at 7:14 pm: Patient
5 given 500 mg Tylenol for 3/10 pain level on
6 hands.

7
8 (a). These quoted highlighted areas in
9 Exhibit-I Page 326 shows that on
10 my sick call appointment on 03-01-2019
11 at 7:14 pm that I was given 500 mg of
12 Tylenol for my injuries; because I was
13 in Pain.

14
15 (2) EXHIBIT-I, Page 326 in highlighted
16 area's: CALL DATE: 03-15-2019 2:07 pm.
17 SUBJECTIVE: 03-15-2019 1:36 pm, "IT has
18 been 2 weeks and it still seems broken
19 between the webbing and the knuckle on my
20 L hand @ 10:55: Patient reports 5/10 pain
21 on R hand and 8/10 pain on L hand.
22 Patient states he needs pain medication."
23 OBJECTIVE: 03-15-2019 1:36 pm, NO noted
24 swelling on R hand. Mild swelling noted on L
25 hand. Pt. has difficulty moving his L ring
26 Finger and middle Finger, has difficulty
27 making a fist. ASSESSMENT: 03-15-2019
28 1:36 pm: Alteration in comfort: PLAN:

1 03-15-2019 1:36 pm Will consult the
2 provider for Pain Medication. Provider
3 consulted VO given for meloxicam 7.5mg.
4 EDUCATION: 03-15-2019 1:36pm Advised
5 to alert medical if swelling and pain is not
6 resolved."

7
8 (a), These quoted highlighted area's in Exhibit -
9 I Page 326 shows that on my sick call
10 appointment on 03-15-2019 that on my left,
11 hand between the webbing of my knuckle
12 I was having a lots of Pain 8/10 and on the
13 right hand A pain level of 5/10. This Medical
14 document also shows that my left hand
15 was still mildly swollen and I was having
16 difficulty moving my ring finger and middle
17 finger and that I was having difficulty making
18 a fist. And that I needed pain medication
19 in which they gave me because I was
20 in a lot of Pain at this point from this injury.

21
22 (14) EXHIBIT (J), Pages 326 and 327 in
23 highlighted area's: "CALL DATE: 09-30-2019
24 1:14 pm, SUBJECTIVE: 09-30-2019 1:14
25 pm, pt request to see a provider for chronic
26 pain to L hand. Chronic pain in upper
27 extremities. Has some numbness and
28 tingling in his hand." ASSESSMENT: chronic

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summary Judgment

1 were given by the doctor and carried
2 out for percutaneous endoscopic
3 gastrostomy return to clinic as
4 necessary.

5
6 ZUCKERBERG SAN FRANCISCO
7 GENERAL HOSPITAL MEDICAL
8 DOCUMENTS
9

10 (1). EXHIBIT-1.J, page 1, on 4-17-2019, in the
11 highlighted areas. REASON FOR APPOINTMENT:
12 Lt Hand/Body pain. ASSESSMENTS & PLAN:
13 Pain in right hand, pain of the left hand,
14 Bilat hand Pain, TREATMENT & ORDERS: PAIN IN
15 RIGHTHAND. Start Voltaren Gel, 1% as directed,
16 transdermal, use as directed. Imaging: Hand and
17 wrist Left*, Imaging: Hand and wrist Right*.
18 PAIN OF LEFT HAND: Imaging: Hand and wrist
19 Left*, Imaging: Hand and wrist right.*
20 DISPOSITION & COMMUNICATION: Discharge
21 Disposition: Discharged, instructions/precautions
22 given, Condition at Discharge: Good. Follow up, prn.
23 HISTORY OF PRESENT ILLNESS: injured approx 2
24 mos ago. L > R fingers and hand. Numbness, B/L.
25 Unable to close L fist completely. PAIN
26 ASSESSMENT: does the patient have pain?
27 yes. Pain quality: stiff, aching. Pain location:
28 2-5 fingers L hand. Pain frequency: Intermittent.

supplemental to the opposition to ~~summary judgment~~ ml page 15 of 21
supplemental to the opposition for summary judgment

1 Relief Measures: Warmth, hot water."

2
3 (2). EXHIBIT-I.J, page 2, visit date: 4/17/2019.
4 In the highlighted areas, "IMAGING: X-RAY
5 HAND AND WRIST LEFT (final result): X-ray hand
6 and wrist left: Hand and Wrist LT, "Indication
7 for Exam: Pain Post Arrest." "X-RAY HAND
8 AND WRIST RIGHT (FINAL RESULTS):
9 hand And Wrist RT. Indication for exam:
10 Pt. arrested 2 months Ago Cont. POOR ROM,"
11

12 (a). These quoted highlighted areas in Exhibit-
13 I.J, pages 1 and 2 shows that on 4-17-2019 I
14 was still in pain on my Left hand and fingers
15 and on my right hand I was also still in pain.
16 In which the doctor Ordered me some pain
17 Ointment. Because I was still in pain.
18 Specifically on my Left hand and Fingers,
19 I could not close my Left hand all the way.
20 They also use the abbreviation ROM at the
21 bottom of page 2, which stands for: Rupture of
22 membranes and that it was poor. So I am
23 thinking that because of this ROM the internal
24 hand and fingers were having a hard time healing with less
25 blood flow. Also the X-RAY were Negative
26 for any broken or fractured bone's.

27 This Medical Document also say's to
28 Follow up with medical as necessary.

OUT OF POCKET EXPENSES FROM GETTING
KICKED OFF OF THE READY TO GO TO
WORK LIST

(A). I am a Journeyman Carpenter with local 22 here in San Francisco.

(1). In (EXHIBIT (k)), page 1 in the highlighted area's the courts will see that on 12-20-2018 I payed Dues and signed the ready to go work list. (EXHIBIT (k)), page 2 in the highlighted area's the court will see that I had paid my dues with the Carpenter's local 22 on 02/25/2019. The day before the excessive force with the San Francisco Police officers, The excessive force which happened on: 02/26/2019.

The way the Carpenters Local Union 22 worked in 2019 was you would have to go to the union hall every 1st and 3rd Thursday of the week to sign the Ready to go to work list. This would make your name stay on the ready to go to work list. So that a carpenter can go to work. In (EXHIBIT (k)), page 3 in the highlighted area you will see that it says: Roll call 1st & 3rd Thursdays of the month: 7:00 am - 12:00 pm.

(2). So is what happened is that on 2-26-2019 I falsely got arrested for assault and other charges which were dropped. The San Francisco County Main Jail let me out of Jail on 2-28-2019.

It just so happens that I was on Federal Probation with the United States District Court, Northern District of California. So on 3-1-2019 I went to go see my probation officer and got arrested for A probation violation; because the Federal probation officer and Judge White of the criminal division of the United States District, Northern District of California in Oakland, CA did not know the charges had been dropped.

(a). (EXHIBIT - 1.L, custody Activity CEN. 9389699 PFN: ULW491), in the highlighted area's the court will see that on (03-01-2019) at 11:00 am I got arrested. I stayed in custody until (03-25-2019) on a probation violation until the criminal federal court found out that the charges that I got on 2-26-2019 got dropped.

(3). Because of these false arrest charges on (02-26-19) I missed the 1st Thursday of the month of March in 2019 to sign the ready to go to work list. Therefore I got kicked off of the ready to go to work list because I was in jail. Per-(EXhibit - 1.L, custody Activity CEN: 9389699 PFN: ULW491).

(a). So this means that when I got out on 3-25-2019 I had to resign up on the Carpenters Local Union 22 ready to go to work list again. Dropping me to the bottom of the list. A list I had

~~Supplemental to the opposition to~~ ~~Summary Judgment~~

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~~Supplemental to the opposition to Summary Judgment~~

1 been on for 2 months. In (EXHIBIT-1.K, Dues
2 Card, pages 1-3 will show that I had been
3 Keeping up on my DUES at the Carpenters
4 Local 22 and trying to go out to work. Dropping
5 Me to the bottom of the Ready to go to work
6 list made me miss out on about 2 month of
7 work as a Journeyman Carpenter with local 22.
8 In the highlighted area the court will see that
9 in EXHIBIT (1.M), Carpenters Detail hours of
10 Michael Luckert, UBC# U59563998, that in
11 the highlighted (work month), the court will see
12 that I have a long work history with the
13 Northern California Carpenters Union, As the
14 Court will also see in the highlighted area of
15 (WORK MONTH) that the last time that I
16 worked before the excessive force was 11-01-2018.
17 So this means I was out of work and on the
18 Ready to go to work list with my dues Payed Per-
19 Dues Card (EXHIBIT-1.K, pages 1-3 From
20 December to February ~~END~~ of 2019, (EXHIBIT-
21 1.M), Carpenters Detail hours in the highlighted
22 area's of (WORK MONTH) the court will also see
23 that I have a gap in my employment with the
24 Carpenter UNION From (11-01-2018 to 05-01-2019)
25 in which I could not work because of this
26 false arrest and getting kicked of the ready
27 to go to work list and having to start all over
28 from the bottom of the Ready to go to work list.

~~supplemental to the opposition to~~ ^{ML}

~~summary judgment~~ ^{ML}

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supplemental to the opposition for summary judgment

1 Date: 12-16-2024

2 signature of Attorney in pro-se; Michael Luckert

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(I) AUTHORITIES
OF
CASE LAW

1 (I). AUTHORITIES OF CASE LAW

2 (A) Fourth Amendment Cases For excessive force

3 (1). Leibel v. City of Buckeye, 364 F. Supp 3d 1027 (D. Ariz 2019).

4 (2). Joseph v. Donahue, 392 F. Supp 3d 973 (D Minn 2019).

5 (3). United States v. Bundy, 406 F. Supp 3d 932 (D Nev 2019).

6 (4). Davis v. City of Las Vegas, 478 F. 3d 1048 (9th Cir 2007).

7 (applying Nevada law).

8 (5). Row v. Holt, 864 N.E. 2d 1011 (Ind 2007) (under Common Law).

9 (6). Hulett v. City of Syracuse, 253 F. Supp 3d 462

10 (N.D.N.Y. 2017) (Applying New York law).

11 (7). Nelson v. County of Wright, 162 F. 3d 986 (8th Cir.

12 1998) (When an officer commits a willful or malicious

13 wrong).

14 (8). Touchton v. Bramble, 284 Ga. App. 164, 643 S.E. 2d

15 541 (2007)

16 (9). Karels v. Storz, (Not entitled to qualified immunity).

17 906 F. 3d 740 (8th Cir. 2018).

18 (10). (Not required to specifically identify which Particular

19 officer used excessive force in order to overcome the

20 officer's motion for Summary Judgment based on qualified

21 Immunity). Hunter v. Leeds, City of, 941 F 3d 1265 (11th

22 Cir. 2020).

23 (11). Was not Objectively reasonable and was not fleeing

24 or resisting arrest and was not asked to get out of

25 Vehical. Seargent aggressively pulled arrestee out of

26 vehical, forcefully turned her around, slammed arrestee

27 against car door, and cuffed her hands behind her back,

28 resulting in her right arm swelling to twice it's size.

1 Andrew V. Scott, 729 Fed. Appx. 804 (11th Cir. 2018).

2 ~~(12). Complained that her hand cuffs were on to tight and were~~

3 hurting her and she took photo's one day later after incident

4 showing injuries on her hands, wrists and arms. Rudolph V.

5 Babinec, 939 F.3d 742 (6th Cir. 2019);

6 (13) Not entitled to qualified immunity. Unconstitutional

7 excessive Force by hand cuffing her to tightly she was bruised.

8 Tight hand cuffing that caused Physical injury. McGrew V.

9 Duncan, 937 F.3d 664 (6th Cir. 2019).

10 (14). More Force than is reasonably necessary. Schaeffle V.

11 Jefferson County, 788 F.3d 855 (8th Cir. 2015) (under

12 Missouri law).

13 ~~(15). Overlapping claims of excessive force and unlawful~~

14 arrest. Adams V. Metiva, 31 F.3d 375, 1994 Fed App 0277P

15 (6th Cir. 1994); Benk V. City of Pittsburgh, 537 Pa 68, 641

16 A2d 289 (1994); Wardlaw V. Pickett, 1 F.3d 1297 (D.C. Cir.

17 1993); Etheredge V. District of Columbia, 635 A2d

18 908, 33 A.L.R. 5th 795 (D.C. 1993); Sisneros V. Fisher,

19 685 F Supp. 2d 1188 (D.N.M.) 2010). U.S. V. Tosti, 733 F.

20 3d 816 (9th Cir. 2013). /similar to: In opposition to Summary

21 Judgment, page 4 Line 20 through page 5 Line 4.

22 ~~(16). Fontana V. Haskin, 262 F.3d 821 (9th Cir. 2001)~~ ML

23 ~~(holding that the Constitution prohibits conduct by law~~ ML

24 ~~enforcement officers that shocks the conscience or~~ ML

25 ~~offends human dignity) / similar to officer Gutierrez #1428 actions~~ ML

26 (B). EIGHTETH AMENDMENT CASES FOREXCESSIVE FORCE

27

28 (1). Bearchild V. Cobban, 947 F.3d 1130 (9th Cir. 2020).

(2). Authorities of case law

page 2 of 4

(2). Inmate must establish that there was both some degree of actual or potential injury, and that society considers the acts

that complains of to be so grave that it violates contemporary standards of decency to expose anyone unwillingly to these acts. Const Amend 8. *Garnica V. Washington Dept of Corrections*, 965 F. Supp 2d 1250 (Wash 2013) ^{men 602-A #2324} / similar to these officer's and ~~Gutierrez #1925~~ actions.

(3). Involve the unnecessary and wanton infliction of Pain. U.S.C.A. Const Amend. 8. *Crawford V. Cuomo*, 796 F.3d 252 (2d Cir. 2015).

(4). Factor used to determine whether application of force was applied maliciously and sadistically to cause harm. OR instead ^{ML} evinced such wantonness with respect to the unjustified infliction of harm as is tantamount to a knowing williness that it occur. U.S.C.A. Const. Amend 8. *Watson V. Edelen*, 76 F. Supp. 3d 1332 (N.D. Fla. 2015).

(5). Among unnecessary and wanton infliction of Pain Constituting cruel and unusual punishment forbidden by the Eighth Amendment are those that are totally without penological justification. *Wilkins V. Gaddy*, 559 U.S. 34, 130 S Ct. 1175, 175 L. Ed 2d 495 (2010); *U.S. V. LaVallee*, 439 F. 3d 670 (10th Cir. 2006); *Hope V. Pelzer*, 536 U.S. ^{ML} 730, 122 S. Ct. 2508, 153 L. Ed. 2d 666 (2002).

(6). Handcuffed and controlled, Prisoner Suffered injuries including abrasions to his wrist/wrist sprains, Violating contemporary standards of decency. U.S. Const. Amend. 8. *Hammond V. Lapeer County*, 133 F. Supp. 3d 899 (E.D. Mich 2015); *Pelfrey V. Chambers*, 43 F. 3d ^{ML} 1034, 1995 Fed

1. App. 0002P (6th Cir. 1995); Harris V. Chapman, 97 F.3d 499,

2. 45 Fed. R. Evid. Serv. 1063 (11th Cir. 1996); Gomez V. Randle,

3. 680 F.3d 859 (7th Cir. 2012); Cockrell V. Sparks, 510 F.3d

4. 1307 (11th Cir. 2007); Hamilton V. Brown, 630 F.3d 889

5. (9th Cir. 2011). /

6. ROSA V. Loza 2010 N.S Dist, LEXIS 20558; UNITED

7. STATES DISTRICT COURT FOR THE NORTHEAST DISTRICT

8. OF CALIFORNIA, Plaintiff wrists as well as other

9. injuries he had ⁱⁿ sustained. Subsequently however,

10. the medical evaluation sheet was tampered with and

11. re-written. "Omitting the injuries to Plaintiff's

12. wrists. Constitutional Rights under the Eighth Amendment.

13. to be free from the use of excessive force on two

14. separate occasions. (1) in the course of defendant's

15. interactions with plaintiff on the Facility C Yard

16. during the disturbance, and (2) when Plaintiff...

17. need not allege that he suffered serious injury

18. in order to establish a Eighth Amendment Violation.

19. (1.) Use of force on the Facility C Yard Plaintiff...

20. in the Verified complaint, alleges ⁱⁿ that defendant used.

21. excessive force.

22. A triable issue with respects to whether defendant

23. used excessive force. After removing him from Facility C

24. Yard. Additionally as noted Above, A triable issue

25. of material fact exist with respects to the extent of

26. the injuries.

27. Dated: 12-16-2024

28. Signature of Attorney in pro se: Michael Luckert

DEFAULT; DEFAULT
JUDGMENT FOR
FAILURE TO PRESERVE
ELECTRONICALLY
STORED INFORMATION

1 Michael Luckert

2 391 ELLIS ST, San Francisco, CA 94102

3 email: michaelluckert1@gmail.com

4 707-803-3836

5
6 UNITED STATES DISTRICT COURT
7 NORTHERN DISTRICT OF CALIFORNIA

8 Michael Luckert, Plaintiff

9 . VS

10 San Francisco Police Dept

11 AND OFFICER: GUTIERREZ

12 #1928

Case No. 19-cv-08204.

PJH. / DEFAULT;

DEFAULT Judgment

FOR FAILURE TO
PRESERVE

ELECTRONICALLY
STORED INFORMATION.

F.R.C.P. RULE 55

16 To the honorable Judge of the court and to
17 the Jury. A default Judgment may be entered
18 against the UNITED STATES, its officers, or its
19 agencies only if the claimant establishes a
20 claim of a right to relief by evidence that
21 satisfies the court. So please conduct an
22 accounting of the above caption. Determine
23 the amount of damages. Establish the truth of
24 any allegation by evidence and investigate any
25 other matters.

26 F.R.C.P. Rule 37(e) Failure To Preserve

27 Electronically stored information. IF

28 electronically stored information that should have

DEFAULT: DEFAULT Judgment For Failure to Preserve Electronically stored information. Page 1 of 6

been preserved in the anticipation or conduct of litigation is lost because a party failed to take reasonable steps to preserve it, and it can not be restored or replaced through additional discovery, the court: (1) upon finding prejudice to another Party from loss of the information, may order measures no greater than necessary to cure the prejudice; or (2) only upon finding that the party acted with the intent to deprive another party of the information's use in the litigation may: F.R.C.P Rule 37(e)(1)(C)

In this case I am seeking a entry of default Judgment on the defence and or defendants, because of the following documents:

1. (EXHIBIT - 1.N), original Complaint
under the Civil Rights Act, 42 U.S.C. § 1983,
Document 1 Filed 12/17/19, Page 4, Line 4-5
 I state "At this time the Police officers took turns on me."
 So when This Complaint was Filed 12-17/19 the defence and its attorney's should of taken steps to preserve the Electronically stored Body camera's and Video Surveillance it was not just

Default; Default Judgment for failure to preserve electronically stored information. Page 2 of 6

1 one Officer, but officers involved in this case
 2 doing the excessive force AND Medical Neglect, (EXHIBIT-1.N)
 3 Original complaint page 4 Lines 25-28 the
 4 plaintiff is stating "Subpoena of video
 5 surveillance and body cameras you will see that
 6 officer: D. Smith and other officers involved
 7 in this incident have committed Excessive Force
 8 AND medical malpractice".

9 So with these types of statements in my
 10 original complaint of 12/17/19 the defence
 11 and the defendants involved in this case
 12 should of Preserved the Electronically stored
 13 body camera and Video surveillance. But they
 14 did not they erased or destroyed evidence
 15 of the Body cameras and Video surveillance
 16 maliciously and sadistically right after
 17 I filed the original complaint on 12/17/19.
 18 2. (EXHIBIT-1.0) Office of the City
 19 Attorney, Letter dated April 17, 2024.

20 The Attorney In this document is saying that
 21 they "disposed of the video surveillance on
 22 February 1, 2020" and that the body cameras,
 23 "while the surveillance video was disposed of
 24 months prior on February 1, 2020".

25 2b. I do believe the defendant and
 26 Council have some kind of minimum
 27 standards for preserving electronically stored
 28 video/body camera surveillance. I do believe

1 it is 1 Year for the state and 2 Years for federal
 2 civil cases. In this case NO. 19-CV-08204-PJH
 3 the defence/San Francisco Police dept. Violated
 4 even the minimum standard for the State. For
 5 Preserving electronically stored information being
 6 body Camera's and Video Surveillance by disposing of
 7 it on or before February 1, 2020 when the date of
 8 this Excessive force/Medical Neglect incident was
 9 February 26, 2019.

10 11 12 CONCLUSION

13 This Default; Default Judgment For Failure to
 14 Preserve electronically stored information, F.R.C.P.
 15 Rule 37(e). By not Preserving electronically stored
 16 information of Video Surveillance/body camera's For
 17 2 Counts of Excessive force which is explained in:
 18 (IN SUPPORT OF Documented Pleadings for evidence
 19 and EXHIBITS for summary Judgment) (Summary
 20 Judgment), (supplemental to summary Judgment)
 21 with medically documented
 22 Exhibit's - I.G, I.H, I.I, I.J. In which the Plaintiff
 23 had to go through with his hands, wrists injury.

24 This Default; Default Judgment For Failure to
 25 Preserve electronically stored information F.R.C.P
 26 Rule 37(e) is also for Failure to Preserve Video
 27 Surveillance/body camera's For Medical Neglect
 28 which is documented in (In Support of Documented

Default, Default Judgment For
 Failure to preserve electronically stored information. 4 OF 6

1 Pleadings for evidence and EXHIBITS for Summary Judgment
2 Page 2 Line 6 through Page 5 Line 15/With
3 documented exhibits.
4
5
6

7 RELIEF

8 DEFAULT, DEFAULT JUDGMENT FOR FAILURE TO
9 PRESERVE ELECTRONICALLY STORED
10 INFORMATION OF VIDEO SURVEILLANCE/
11 BODY CAMERA'S OF THE FOLLOWING INCIDENTS:

12 (1). 2 Counts of Excessive force.

13 (2). 1 Count of Medical Neglect.

14 (3). \$ 60,000 in damages for 2 counts of
15 excessive force. Causing injury to Plaintiff
16 and for Pain and Suffering.

17 (4). \$ 10,000 for Medical Neglect from San
18 Francisco Jail Medical Triage and pulling
19 me away not letting me get medical treatment
20 for my hand's, wrist's injury.

21 (5). \$ 7,744.00 for out of Pocket expenses
22 in Monetary damages. For Plaintiff being injured
23 from excessive force and not being able to
24 work. OR Because the plaintiff got arrested
25 for false charge's of resisting arrest etc. And
26 was sent to Jail for a Probation Violation that
27 got dropped. Because of these false charges
28 Plaintiff had to start all over at the bottom

Default, Default Judgment For
Failure to preserve electronically
stored information.

5 OF 6

1 of the ready to go to work list. Causing plaintiff
2 to be out of work for 2 more extra months in
3 his normal trade as a Union Journeyman Carpenter.

4 (6). Pay for Plaintiffs' Filing fee.

5 (7). Restraining order on the guilty defendant
6 that caused excessive force/medical Neglect.

7 (8). Removed from the duties to protect and
8 serve the Community as a police officer/
9 security guard etc. Because of excessive
10 force/medical Neglect.

11
12 The plaintiff is suing in official capacity
13 and Individual Capacity.

14
15
16 Date: ^{ML} ~~6-6-2024~~ 12-16-2024

17
18 Signature of Attorney in Pro-se:
19 Michael Luckert